



PUBLISHED BY AUTHORITY

No. 34] NEW DELHI, SATURDAY, AUGUST 20, 1955

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 4th August 1955.

Issue No.	No. and date	Issued by	Subject
332	S.R.O. 1711, dated the 2nd August 1955.	Government of Ajmer.	The Ajmer State Municipalities Elections Rules, 1955.

Copies of the Gazettes Extraordinary mentioned above will be supplied on [indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 8th August 1955

S.R.O. 1777.—In exercise of the powers conferred by section 2 of the Punjab Act, 1888 (III of 1888) the Central Government hereby—

- (a) creates a special police district embracing the lands occupied for the time being by the Western Railway specified in the Schedule annexed hereto including lands occupied by stations, by out buildings or for other purposes of the said Railway; and
- (b) extends to every part of the said district the powers and jurisdiction of all members of the police-force belonging to the State of Saurashtra established and maintained or deemed to have been established or maintained under section 3 of the Saurashtra Police Act, 1954.

SCHEDULE 'A'

(1) So much of the Western Railway as is situated within the State of Saurashtra excluding—

- | | |
|------------------------------------|-----------------------------------|
| 1. Dhandhuka-Sabarmati Section. | From mile post No. 58-11 to 66-4. |
| 2. Dhandhuka-Botad Section. | From mile-post 100-1 to 100/7-8. |
| 3. Viramgam-Surendranagar Section. | From mile 48/4-5 to 49/19-20. |

(2) So much of the Western Railway within the State of Bombay as is described below:—

SCHEDULE 'B'

Name of Railway Sector	Mile posts to and from	Approximate length in mile
Bhavnagar to Surendranagar Junction	3/12 to 5/6	1.73
	9/13-14 to 10/21	1.27
	11 to 11/12-13	0.48
	60/16-17 to 75/6-7	14.44
	44/5-6 to 44/7-8	0.15
Silhorc-Palitana	4/7-8 to 8/8-9	4.08
Wadhwan-Virangam	50/14 to 50/18-19	0.20
Dhasa-Mahuva	47/5-6 to 56/5	8.89
Dhasa-Porbandar	0/0 to 2/2, 4/17-18 to 7/12, 15/17 to 17/13	06.61
Veraval Delwada or Visavadar-Dhelwada	29/13-14 to 32/16	03.00
	35/17 to 43/5	07.36
	35/13 to 35/14	0.06
Visavadar Dhari or Visavadar-Dhari	11/4 to 14/6-7	03.17
	16/9 to 19/1	03.00
Paranchi-Kodinar	2/3-4 to 16/2	13.95
Khijadia-Dhari	0 to 1/16, 4/9 to 37/1	34.89
Jamnagar-Okha	270-1430 to 308/0	38.08

[No. F.18(4)-J/54.]

S. NARAYANSWAMY, Dy. Secy.

New Delhi-2, the 8th August 1955

S.R.O. 1778.—In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby directs that the following further amendment shall be made in the Indian Arms Rules, 1951, namely:—

In Schedule VII to the said Rules—

In the first column of the entry against clause (a) of entry (8) after the words "the High Commissioner for Ceylon" the words "and the High Commissioner and the Deputy High Commissioners and the Assistant High Commissioners for Pakistan in India" shall be inserted.

[No. 9/59/53-Police(IV).]

J. N. DHAMLIJA, Dy. Secy.

ORDER

New Delhi-2, the 10th August 1955

S.R.O. 1779.—In pursuance of Clause (22) of Article 366 of the Constitution of India the President is hereby pleased to recognise His Highness Maharajadhiraja Maharana Bhagwat Singhji as the Ruler of Udaipur with effect from the 4th July 1955, in succession to His late Highness Maharana Bhupal Singhji.

[No. F.4/26/55-Poll. III.]

V. VISWANATHAN, Jt. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 16th August 1955

S.R.O. 1780.—In exercise of the powers conferred by section 40 of the Reserve Bank of India Act, 1934 (II of 1934) and in supersession of the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs), No. 3(13-A)-EFVII/51, (S.R.O. 399), dated the 17th March, 1951, the Central Government hereby directs that the Reserve Bank of India shall sell to any authorised person who makes a demand in that behalf at its office in Bombay, Calcutta, Delhi or Madras or at its Branch in Kanpur or Bangalore, the currency stated in column 2 of the Schedule hereto annexed for immediate delivery at the place specified in column 3 of the said Schedule at rate not below that stated in column 4 thereof.

SCHEDULE

Serial No.	Currency	Place	Rate
	2	3	4
1	Pakistan rupes	Karachi	Pakistan Rs. 99-1/32 to Indian Rs. 100/-

[No. F.3(77)-EFVII/55-A.]

S.R.O. 1781.—In exercise of the powers conferred by section 40 of the Reserve Bank of India Act, 1934 (II of 1934), and in supersession of the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs), No. 3(13-B)-EFVII/51, (S.R.O. 400), dated the 17th March 1951, the Central Government hereby directs that the Reserve Bank of India shall buy from any authorised person who makes a demand in that behalf at its office in Bombay, Calcutta, Delhi or Madras or at its branch in Kanpur or Bangalore, the currency specified in column 2 of the Schedule hereto annexed for immediate delivery at the place specified in column 3 of the said Schedule at a rate not above that stated in column 4 thereof:

Provided that no person shall be entitled to receive payment unless the Bank is satisfied that payment of the currency specified in column 2 of the said Schedule at the place specified in column 3 thereof has been made.

SCHEDULE

S. No.	Currency	Place	Rate
1	2	3	4
1	Pakistan rupes	Karachi	Pakistan Rs. 100-31/32 to Indian Rs. 100/-

[No. F.3(77)-EFVII/55-B.]

B. K. NEHRU, Joint Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

EXCESS PROFITS TAX

New Delhi, the 12th August 1955

S.R.O. 1782.—In exercise of the powers conferred by sub-section (3) of section 10 of the Indian Finance Act, 1942 (XII of 1942), read with sub-section (3) of section 2 of the Excess Profits Tax Ordinance, 1943 (XVI of 1943), the Central

Government hereby directs that the following further amendment shall be made in the Excess Profits Tax (Post-War Refunds) Rules, 1942, namely:—

In Form E.P. 4-17, for the figures and words "10th day of June, 1951" occurring in sub-para (d) of para 1 of the declaration, the figures and words "1st day of June 1953" shall be substituted.

[No. 1.]

R. K. DAS, Dy. Secy.

CORRIGENDUM

CUSTOMS

New Delhi, the 20th August 1955

S.R.O. 1783.—In the notification of the Government of India in the Ministry of Finance (Revenue Division), No. S.R.O. 888, dated the 25th April 1955, published in Part II—Section 3 of the Gazette of India Extraordinary of the same date, for "Laevo-I-e-nitrophenyl 2-amino-I, 3 propane-diol" occurring in the fourth line read "Laevo-I-p-nitrophenyl 2-amino-1,3 propanediol".

[No. 129.]

JASJIT SINGH, Dy. Secy.

CUSTOMS

New Delhi, the 20th August 1955

S.R.O. 1784.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Finance Department (Central Revenues), No. 1-Customs, dated the 9th March, 1946, namely:—

In the Schedule annexed to the said notification, in the entry against Serial No. 9 in column 2, after the words "Dum Nuts" the words "and Crozo Nuts" shall be inserted.

[No. 130.]

E. RAJARAM RAO, Joint Secy.

CENTRAL EXCISE

New Delhi, the 20th August 1955

S.R.O. 1785.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government hereby directs that the following further amendment shall be made in the Central Excise Rules, 1944, namely:—

In Form T.P.—1 (Central Excise Series No. 63), in Appendix I to the said Rules—

After the words "which have been cleared on payment of duty under", the letters, figure and stroke "D.D.-1/" shall be inserted in both the follo.

[No. 42.]

W. SALDANHA, Dy. Secy.

MINISTRY OF COMMERCE AND INDUSTRY

ORDER

New Delhi, the 9th August 1955

S.R.O. 1786/IDRA/6/2/Am(4).—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby appoints Shri M. L. Gauba of the Radio Lamp Works Ltd., Bombay, to be a member of the Development Council established for the scheduled industries specified in the Order of the Government of India in the

Ministry of Commerce and Industry No. S.R.O. 353/IDRA/6/1, dated the 1st February, 1955, and directs that the following amendments shall be made in the said Order namely:—

In paragraph 1 of the said Order, under the category of members "being persons who in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industries, after entry No. 6 relating to Shri Y. A. Fazalbhoy, the following entry shall be inserted, namely:—

"6A. Shri M. L. Gauba,
Radio Lamp Works, Ltd.,
51, Mahatma Gandhi Road,
Bombay".

[No. 5(14)IA(G)/55.]

R. N. KAPUR, Under Secy.

New Delhi, the 10th August 1955

S.R.O. 1787.—In exercise of the powers conferred by sub-clause (b) of Clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, No. I(1)-4(78)/A, dated the 6th January, 1951, as amended from time to time, namely:—

In the schedule annexed to the said notification, the following entry shall be added, namely:—

"Assistant Director of Industries,
(Engineering), Bihar".

[No. SC(A)-4(251)/55.]

S.R.O. 1788.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. I(1)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

In the schedule annexed to the said notification, the following entry shall be added, namely:—

"Assistant Director of Industries (Engineering), Bihar".

[No. SC(A)-4(251)/55.]

M. R. MENON, Under Secy.

New Delhi, the 10th August 1955

S.R.O. 1789.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 6 of the Forward Contracts (Regulation) Act, 1952 (LXXIV of 1952), read with article 47(2)(c) of the Articles of Association of the Bombay Oilseeds Exchange Limited, Bombay, the Central Government hereby appoints—

Shri B. A. Patil, Chief Marketing Officer and Joint Registrar of Co-operative Societies, Government of Bombay,

as member of the Board of Directors of the Bombay Oilseeds Exchange Ltd., Bombay, to represent interests not directly represented through the membership of the said Bombay Oilseeds Exchange Limited.

[No. 30/3/55-I.P.(B).]

P. C. ALEXANDER, Dy. Secy.

(Indian Standards Institution)

Delhi, the 9th August 1955

S.R.O. 1790.—In pursuance of sub-regulation (I) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that a licence, particulars of which are given in the Schedule hereto annexed, has been granted authorizing the licensee to use the Standard Mark.

THE SCHEDULE

Licence No. and date	Period of Validity		Name and address of licensee	Article(s)/Process covered by the licence	Relevant Indian Standard(s)
	From	To			
CM/L-1 8-8-55	15-8-55	14-8-56	The Aluminium Industries Ltd., No. 1, Ceramic Factory Road, Kundara (Travancore-Cochin State).	Steel Cored and Plain Stranded Aluminium Conductors.	IS:398-1953 Specification for Hard-Drawn Stranded and Steel-Cored Aluminium Conductors for overhead Power Transmission Purposes. (<i>Tentative</i>).

D. V. KARMARKAR,
Deputy Director (Marks),
Indian Standards Institution.

[No. MDC/12(7).]

T. S. RAMASWAMI, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 9th August 1955

S.R.O. 1791.—In exercise of the powers conferred by section 4(5) (IX) of the Indian Lac Cess Act, 1930 (Act No. XXIV of 1930), the Central Government hereby nominate Shri Badri Prasad Jayswal, Jhalda, District Manbhum (Bihar), as a member of the Advisory Board of the Indian Lac Cess Committee to represent the Lac Manufacturing Industry for a period of three years.

[No. F.4-1/55-Com-I.]

F. C. GERA, Under Secy.

New Delhi, the 9th August 1955

S.R.O. 1792.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs—

- (i) that the Foodgrains (Licensing and Procurement) Order, 1952, shall cease to be in force in the State of Orissa on the date on which this notification is published in the Gazette of India; and
- (ii) that the word "Orissa" shall be omitted from the notification of the Government of India in the Ministry of Food and Agriculture, No. S.R.O. 1949, dated the 25th November, 1952.

[No. PYII-653(4)/55.]

S.R.O. 1793.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs that the Andhra Foodgrains (Licensing and Procurement) Order, 1955, which was made by the Government of Andhra under section 3 of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (XXIX of 1949), and published at pages 19 to 24 of the Andhra Gazette Supplement dated the 26th January, 1955, shall cease to be in force in the State of Andhra on the date on which this notification is published in the *Gazette of India*.

[No. PY-II-653(28)/55.]

S. N. BHALLA, Dy. Secy.

New Delhi, the 9th August 1955

S.R.O. 1794.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India in the late Department of Education, Health and Lands, No. 1581-Agrl., dated the 1st October, 1931, namely:—

In the said notification—

(1) for the words "Bombay or Madras" wherever they occur, the words "Bombay, Madras or Cochin" shall be substituted;

(2) in paragraph 2—

(a) in clause (a), for the words "or, as the case may be, to the Traffic Manager of the Madras Port Trust and the Entomologist, the Harbour, Madras, "the words "or the Traffic Manager of the Madras Port Trust and the Entomologist, the Harbour, Madras, or the Traffic Manager, Cochin Port and the Quarantine Inspector (Fumigation), Cochin Port, as the case may be";

(b) in clause (b), for the words "the Government of Bombay or, as the case may be, the Government of Madras", the words "the Government of Bombay, Madras or Travancore-Cochin, as the case may be" shall be substituted;

(c) in clause (c)

(i) in the opening paragraph, for the words "as specified in the Bombay Port Trust or, as the case may be, the Madras Port Trust Scale of Rates charged at the docks" the words "leviable under the Scale of Rates in force at the port concerned";

(ii) in the first proviso, for the words "or as the case may be, the Madras Customs House", the words "or the Madras Customs House or the Cochin Customs House, as the case may be", shall be substituted;

(iii) in the second proviso, for the words "or, as the case may be, the Docks Manager of the Madras Port Trust", the words "or the Docks Manager of the Madras Port Trust or the Traffic Manager, Cochin Port, as the case may be", shall be substituted;

(3) for the existing para 3 the following shall be substituted:—

"The rate referred to in clause (c) of para 2 shall be Rs. 7/7/- per square bale and Rs. 5/- per round bale in the Bombay, Madras or Cochin Docks".

[No. F.6-4/54-Dte.I.(PPS).]

BALWANT SINGH, Dy. Secy.

New Delhi, the 12th August 1955

S.R.O. 1795.—In pursuance of the provisions of Rule 19(4) of the Indian Lac Cess Rules, 1930, framed under section 8 of the Indian Lac Cess Act, 1930, (Act No. XXIV of 1930), the Central Government hereby publish the audited accounts of "Receipts and Expenditure" of the Indian Lac Cess Committee for the year ending 31st March, 1955 along with the auditor's report.

PART I—AUDIT REPORT

4. The audit report includes only the major and important irregularities and not the minor ones which have been included in a separate 'Audit Note' not published.

5. *Account of Receipts and Payments.*—The account of receipts and payments of the Committee for the year 1953-54 has been given in Appendix I to this report and it is certified as correct subject to the remarks in this audit report.

6. The closing balances on 31st March 1954 as per the Cash Book and the Bank Account were as under:—

(i) Secretary Indian Lac Cess Committee:—

Cash Book balance	Rs. 1,574-14-2	Balance as per Bank Account.	Rs. 67,513-12-3
-------------------	----------------	------------------------------	-----------------

(ii) High Commissioner for India, London:—

As per Cash Book
Rs. 8,300-6-0 (Provisional).

7. *Investments.*—The details of investments of Rs. 21,56,981/14/7 (cost price) relating to the funds of the Committee on 31st March 1954 are given in Appendix III.

(i) It will appear therefrom that the market value of the investment during the year ending 31st March 1954 fell below their face value by Rs. 1,40,888/4/-.

(ii) For the purchase of the securities detailed against serial nos. 12 to 14 of the Appendix, the current account of the Committee was debited with a sum of Rs. 2,51,000/- provisionally by the Bank during the year under audit. The amount is subject to final adjustment on receipt of Bank intimation regarding actual expenditure.

8. *Suspense Account as on 31st March 1954.*—A sum of Rs. 8,486/3/9 has been shown as closing balance as on 31st March 1954 vide details given in Appendix II, being the amount placed under suspense pending adjustments. The figure has been arrived at as follows:—

	Rs.	As.	P.
Closing balance of charges placed under suspense	9,841	3	9
Less receipts under suspense	1,355	0	0
Net charges placed under suspense	8,486	3	9

The closing balance of charges amounting to 9841/3/9 placed under suspense includes a sum of Rs. 3,418/12/- on account of Motor Car Advance and Rs. 336/- on account of Cycle advance which are in course of recovery by deduction from the monthly pay bill of the persons concerned. The balance of Rs. 6,086/7/9 represents other miscellaneous advances which required early adjustment. Necessary and suitable action may please be taken for their prompt adjustment.

9. *Expenditure incurred by the High Commissioner.*—Certain expenditure is incurred by the High Commissioner for India, London, for measures adopted to develop and improve the marketing of Indian lac. For this purpose required amounts are remitted to the High Commissioner on the basis of the Budget Estimates from year to year subject to adjustments on receipt of certified and audited accounts from the High Commissioner. A sum of £619-5s-8d (Rupees 8,300/6/-) has been shown as closing balance on 31st March 1954. The figure is subject to modification on receipt of certified and audited accounts.

10. *Lac Cess collections.* (a) *Check of accuracy of receipts.*—In order to ensure that correct amount of cess was transferred to the Indian Lac Cess Committee's Accounts by the customs authorities, it was suggested in para 9(a) (i) of the last Audit Report that Government of India might be requested to issue a general directive to the Accountants General concerned to forward extracts from the audited accounts of the Customs Department, in respect of Lac cess collections of each financial year. In reply to the objection Government of India in their Ministry of Food & Agriculture letter No. F-3-81/54-Com-I dated 4/8-10-54, stated that Lac Cess Collections being receipts, would not come under the scope of audit of the Accountant General. They have however suggested that

the monthly statements of Lac Cess Collections will be audited and certified correct by the internal audit department of the Collectors of Customs concerned and then forwarded to the Accountants General and to the Indian Lac Cess Committee. The matter has not yet been finalized, as it is still under correspondence with the Accountant General, Bihar.

(b) As per section 6(i) of the Indian Lac Cess Act, all collectors of Customs of all ports in India are required to pay the proceeds of the Lac Cess to the Committee. As per present practice, it is not checked by the office, whether all the ports have remitted the amounts realized by them. It is, therefore, suggested that an exhaustive list of all the ports in India should be maintained and a monthly statement should be obtained from each port. In cases where there are no realisation, a nil statement should be furnished. The statements should contain full particulars of realisation, namely, quantity and quality of lac exported and the rates of cess realised in each case. There should also be details of refund of cess, if any, in the statement. It was also noticed that realisation made in one year was remitted to the Committee in another year. As a result the revenue of the particular year could not be accounted for in the same year. The remittances of collector of customs, Bombay for 1952-53 amounting to Rs. 316/10/- as per Demand Draft No. G/19/5205 dated 28th April 1953, may be referred to as an instance. The remittances in future should be made during the same financial year to which it relates.

11. *Adjustment in respect of Intensive Demonstration.*—50 per cent of share of the expenditure on account of Intensive Demonstration scheme was paid by the Committee during the year under audit to different Governments. The payments of March 1954 was provisional as this was based on the estimates of probable expenditure furnished by different Governments, which were as follows:—

Name of Governments	Estimate of probable expenditure	Amount paid by the Committee on 50 basis
West Bengal	1,168	584
Bihar	7,014	3,507
Bombay—		
(i) Northern Circle Barida	250	125
(ii) Baria Division	236	118
U.P.	770	385

Final adjustment of the provisional payment may be carried out promptly after ascertaining the actual expenditure from different Governments.

12. *Provident Fund Accounts.*—The revenue account and balance sheet of the Committee's Provident Fund for 1953-54 shown in Appendix IV was found correct subject to the following remarks. The question of (i) charging expenses to which the Committee shall be put in connection with Provident Fund and (ii) the question whether subscription shall continue to be realised at the uniform rate of 1/12th of pay of all employees and an equal amount of contribution would be paid by the Committee, were not finally decided till 31st March 1954. This had been referred to in para 10 of the audit reports for the years 1950-51, 1951-52 and 1952-53.

With regard to the question raised in item (i) above, Government of India in their Ministry of Food and Agriculture Notification No. F.3-13/53-Com-I dated the 14th September, 1954 amended rule 9 of the Indian Lac Cess Committee Provident Fund Rules. The amendment will have the effect of omitting the relevant lines of the rules regarding deduction of necessary expenses of management etc., from the income of the Fund before such income is distributed. As no specific date from which the amendment will have effect has been specified in the notification, the date of the Notification viz., 14-9-54, would as usual, be taken as the date of effect. The cost incurred before that date should as such be deducted from the income of the Fund, before such income

is distributed. In case of doubt, the point may be clarified by a reference to the Government of India.

13. As per item No. 45 of the Printed Proceedings Volume XXXI of December, 1948, Page 39, an employee of the Committee serving on a temporary basis will be allowed the benefit of the contributions Provident Fund, provided he has put in 3 years of completed service. This procedure was not followed. The following are the instances on the point:—

Name of employee	Date of entry in service and also date of joining the Fund, as per Subscriber's ledger	Due date of joining Provident Fund	Amount contributed by the Committee
			RS. AS. P.
Shri C. P. Malhotra	25-5-53	25-5-56	136 . 0
„ P. V. Raman	4-8-53	4-8-56	67 0 0
„ Shyam Lal Ram	18-5-53	18-5-56	43 9 0
„ B. C. Lahiri	5-6-53	5-6-56	86 5 0
„ R. P. Mehrotra	27-6-53	27-6-56	78 6 0
„ Pahna Lakra	1-7-53	1-7-56	38 12 0
„ Jagannath Uraon	7-7-53	7-7-56	36 11 0
„ Pahna Uraon	14-12-53	14-12-56	14 13 0

In reply to the objection it was stated that the Committee in its last meeting held in August, 1954 resolved that Rule 3(2) of the Provident Fund Rules would be amended and such amendment would entitle as temporary employee even, to the Committee's contribution, subject to certain conditions, from the very beginning of their services. The amendment has however not yet been given effect to as the publication of the same in the Official Gazette, is still awaited.

The action, in allowing the employees, Committee's share of contribution, before the final approval of the amendment by the Government of India, was irregular. The fact ought to have been brought to the notice of the Committee before such an action was taken, and its prior approval obtained. Committee's orders may now be obtained to regularise the action.

14. *Purchase of securities involving heavy loss to the Committee.*—Securities pertaining to the Provident Fund Account were purchased on behalf of the Committee on 31st December, 1952 at the cost price of Rs. 1,75,607/- although the market price of the securities on that date was Rs. 1,65,960/5/-. The purchase of the securities at cost price therefore put the Committee to a loss of Rs. 9,646/11/- which could have been avoided had the purchase been made at the market price. On the other hand the subscribers to the fund earned a profit of an equivalent amount of Rs. 9,646/11/- at the cost of the Committee, inasmuch as the sale could not have fetched more than the market price, had this been made in the open market.

In reply to the objection it was stated that President's sanction to the purchase at cost price was obtained. But the mode of obtaining such sanction was defective on the grounds noted below:—

- The market price of the securities on the date of purchase was not recorded in the notes sent to the President.
- That the Committee was to incur a loss to the extent of Rs. 9,646/11/- due to such purchase, was not also pointed out.
- The profit to the extent of Rs. 9,618/3/11 earned was utilised (i) by setting in off against the debit balance of the Provident Fund "Investment Fluctuation Account" (ii) by crediting the balance of Rs. 27/7/4

to the "Lapse and Forfeiture Account". This aspect of the matter was not also brought to the notice of the President.

The circumstances under which all these facts were not brought to the notice of the Committee and its approval not obtained, before the purchase was made, have to be explained. The fact of the loss of Rs. 9,646/11/- sustained by the Committee due to the above transaction, may be brought to the notice of the Committee and action taken to regularise the matter in the light of the Committee's decision.

15. *Payments on account of Provident Fund made from the subsidiary current account of the Committee although not covered by rules.*—As per Sub-rule 5(a) of rule 20(i) of the Indian Lac Cess Committee Rules, withdrawals from the Committee's subsidiary account only, are to be made on cheques signed by the Secretary. Withdrawals from other accounts, such as Committee's current account and Provident Fund Account according to the existing rules are required to be made on cheques countersigned by the President. The procedure was not observed in all cases, in respect of payment on fund accounts, as will be evident from the instances given below:—

Date of payment	To whom paid and amount	Procedure adopted for payment	Remarks
5-8-53	Mr. M. Minz, Rs. 210	By taking loan from the subsidiary account.	The loan was recouped through monthly adjustment by short deposit to the Fund Account of monthly subscriptions realised from the subscribers.
13-8-53	Sri B. P. Sen, Rs. 224-4-0	Do.	Do.
1-10-53	Sri Kishan Ram, Rs. 96-0-0	Do.	Do.

The procedure followed by the Secretary is not permissible under any rules of the Committee. For the Provident Fund Account transactions there is a separate account in the Imperial Bank, and withdrawals from such account should be regulated in accordance with the rules of the Committee.

The subsidiary current account of the Committee, should not be involved for such transactions. If the Secretary of the Committee likes that the procedure that is being followed by him, should continue, the rules may have to be modified accordingly.

(Sd.) A. K. BANERJEE,
Senior Auditor.

(Sd.) S. N. PRASAD,
Assistant Accounts Officer, Bihar.

APPENDIX I

(Referred to in para 5 of the report)

INDIAN LAC CESS COMMITTEE

STATEMENT OF RECEIPTS (AND PAYMENTS) FOR THE YEAR ENDING 31-3-1954

RECEIPTS

Opening Balance.

Secretary, Indian Lac Cess Committee.

	Rs.	A.	P.	Rs.	A.	P.
Cash	1,025	3	11			
Bank balance	3,12,728	13	8	3,13,754	1	7

	£. s. d.	Rs. A. P.	Rs. A. P.
Balance with High Commissioner for India, London	619-5-8d	8300 6 0	(Provisional)
Investment at cost	17,49,1962 3 7	20,72,016 11 2
<i>Suspense.</i>			
Amount recoverable from Indian Tobacco Committee.		Rs. As. P.	
Secretary Indian Lac Cess Committee	11,890 6 3	1 5 6	
(—) Amount refundable to Karam Chand Thapper & Bros.	50 0 0	111840 6 3	
Director Indian Lac Research Institute	225 0 0		
Special Officer for Lac Cultivation	2,502 2 0	14,568 13 9	
Imprest with Secretary, Indian Lac Cess Committee on Postage Account		30 0 0	20,86,615 3 11

2. Receipts during the year.

(a) Money received under Section 3 of the Act (Lac Cess Collection)		6,42,063 10 0	
(b) Other money received by the Committee			
Secretary, Indian Lac Cess Committee	92 4 0		
Director, Indian Lac Research Institute	6402 11 9		
Special Officer for Lac Cultivation	269 4 0	6,764 3 9	
(c) Interest on Investments		55,715 0 0	7,04,542 13
Interest earned on investments	56,505 15 0		
Dt. Loss in redumption of 3 per cent Loan 1953-54 for Rs. 40,500	790 15 0		
TOTAL			27,91,158 6 8

APPENDIX I (PART 2)

PAYMENTS

(a) Administration of the Committee	Rs. A. P.	Rs. A. P.
Head I { Administration	59,032 12 6	
{ Crop Section	1,61,127 3 0	75,159 15 6
(b) Measures taken to improve and develop methods of cultivation and manufacture of lac :		
2. Indian Lac Research Institute	3,66,903 5 2	
2A. Special Officer for Lac Cultivation	96,207 15 3	4,63,111 4 5
(c) Measures taken to improve and develop the marketing of Indian Lac		
7. Miscellaneous	10,000 0 0
Closing balance :		
Cash balance :		
I.L.C.C. current A/c Rs. 350		
I.L.C.C. S/A Rs. 1,224 14 2	1,574 14 2	
Bank balance		
Subsidiary Account Rs. 23,024 13 10		
I.L.C.C.A. A/C Currents Rs. 44,488 14 5	67,513 12 3	69,088 10 4

Balance with the High Commissioner for India, London (£ 619-5-8d).	Rs. A. P.
Investment at cost	8,300 6 0 (Provisional) 21,56,981 14 7(1)
<i>Suspense.</i>	
Provisional amount recoverable from Indian Central Tobacco Committee	1 5 6
Administration	8,940 14 0
Director, I. L. R. I.	51 11 0
Special Officer for Lac Cultivation	847 5 3
	9,841 3 9
<i>Deduct</i> (i) Security Deposit by Shri D. R. Das Gupta Cashier Rs. 350.	
(ii) Deposit of earnest money by :—	
(a) M/s. Ragho Bros Rs. 425.	
(b) Sri Nand Lal Rs. 580.	1,355 0 0 8,486 3 9(2)
rest with the Postage account of Secretary, Indian Lac Cess Committee	30 0 0 22,42,887 2 9
TOTAL	27,91,158 6 9

(1) A statement showing the particulars of Investment attached.

(2) *Vide* details attached.

NOTE.—The amount of Rs. 1,355/- deducted from the suspense account in the closing balance, is the total amount of receipts placed under suspense which has to be adjusted in the next year to the proper head of account.

(Sd.) PRITAM SINGH,
Secretary,
Indian Lac Cess Committee.

(Sd.) G. K. GUPTA,
H.A.

30-11-54

Checked and found correct subject to the remarks in the audit report appended.

(Sd.) A. K. BANERJEE,
Senior Auditor.

(Sd.) S. N. PRASAD,
Asstt. Accounts Officer,
Outside Audit Department Non-commercial
Bihar.
The 18th January 1955.

APPENDIX II

(Referred to in para 8 of the Report)

STATEMENT SHOWING THE DETAILS OF SUSPENSE AS PER CLOSING BALANCE

Major Head 1.—Administration of the Committee.

Motor Car Advance to :—

	Rs.	As.	Ps.	Rs.	As.	Ps.
(i) Sri Pritam Singh, Secretary, I.L.C.C.	1,625	0	0			
(ii) Sri M. M. Srinivasan, S.O.L.C.	1,793	12	0	3,418	12	0
2. Cycle advance to :—						
(i) Sri C. Tirkey	131	0	0			
(ii) Sri Luther Kachap	30	0	0			
(iii) Sri B. Misra	175	0	0	336	0	0

3. Deposit with Messrs. J. Sen Gupta Ltd. Clearing Agents, Calcutta		Rs. A. P.
		1,528 14 0
4. Advance payment on account of indent of stationery to Controller of Printing and Stationery, India, Calcutta		
Last year's balance	2,060 4 0	
Further advance through S/A Vr. No. 157 dt. 26-5-1953	1,597 0 0	3,657 4 0
		8,940 14 0
5. Amount provisionally recoverable from I.C.T.C.		1 5 6
		8,942 3 6
6. <i>Deduct.</i>		
(i) Security Deposit by Sri D. R. Das Gupta Cashier	350 0 0	
(ii) Deposit of earnest money by		
(a) M/s. Ragho Bros	425 0 0	
(b) Shri Nand Lal	580 0 0	1,355 0 0
	Net	7,587 3 6

Major Head 2.—Indian Lac Research Institute.

7. Advance to Messrs. Martin Burns Ltd., Calcutta	1 11 0	
8. Advance to Messrs. Refrigerators India, Ltd., Patna	50 0 0	51 11 0

Major Head 2A.—Special Officer for Lac Cultivation.

9. Advance to Chief Conservator of Forests, Madhya Pradesh for Brood Lac	847 5 3	
TOTAL NET	8,486 3 9	

APPENDIX III

Details of Investment of the Committee as on 31st March, 1954.

(Referre a to in para 7 of the report)

Particulars of investment	Face value			Rate as on 31st March '54			Market value as on 31st March, 54			COST
	Rs.	as.	ps.	Rs.	as.	ps.	Rs.	as.	ps.	
1 4% Loan 1960-70	1,00,000	0 0	0	102 1 0	1,02,062	8 0	1,03,275	11	—	
2 3% C.I.T. Debenture 1937	1,00,000	0 0	0	90 0 0	90,000	0 0	96,000	0 0	0	
3 3% Loan 1963-65	1,68,400	0 0	0	92 12 0	1,56,191	0 0	1,64,631	5 0	0	
4 3% 1st Development loan 1970-75	7,84,000	0 0	0	86 10 0	6,79,140	0 0	7,86,517	15 6	—	
5 3% U. P. Loan 1961-66	10,000	0 0	0	90 8 0	9,050	0 0	9,731	4 0	0	
6 3% Victory Loan 1957	15,77	0 0	0	98 6 0	15,444	14 0	15,765	7 0	0	

Particulars of investment	Face value			Rate as on 31st March, 54			Market value as on 31st March 54			COST
	Rs.	As.	P.	Rs.	As.	P.	Rs.	A.	P.	
7. 3% Loan 1958.	1,73,400	0	0	98	3	0	1,70,257	2	0	1,71,014 8 0
8. 3½ % 10 year Treasury Savings Deposit Certi- ficate	1,00,000	0	0	Cost			1,00,000	0	0	1,00,000 0 0
9. P. O. 12 Year National Saving Certificate	1,00,000	0	0	,,			1,00,000	0	0	1,00,000 0 0
10. 3% Victory Loan 1957	2,00,000	0	0	98	6	0	1,96,750	0	0	1,97,310 0 0
11. 3% 2nd Victory Loan 1959-61	1,63,000	0	0	96	6	0	1,57,091	4	0	1,61,735 2 0
12. 3% National Plan Bonds	1,00,000	0	0	99	3	0	99,187	8	0	..
13. 4% Bihar Loan 1963	50,000	0	0	99	8	0	49,750	0	0	2,51,000 0 0 (Provisional)
14. 3% National Plan Loan 1964	1,00,000	0	0	Cost			98,687	8	0	..
	21,64,500	0	0				20,23,611	12	0	21,56,981 14 7

APPENDIX IV

(Referred to in para. 12 of the report)

INDIAN LAC CESS COMMITTEE PROVIDENT FUND ACCOUNT, 1953-54

REVENUE ACCOUNT

	Rs.	as.	p.	Rs.	as.	p.	Rs.	as.	p.	Rs.	as.	p.	
To incidental expenses	Nil						By balance as per last a/c	22,324	6	2			
To interest paid to retiring subscribers as sanctioned by the Committee	499	5	6	499	5	6	Less amount credited to subscriber (<i>vide</i> Rule 10)	Nil			22,324	6	2
To balance as per balance sheet							<i>By Interest.</i>						
Net profit available for distribution :							On Investments	10,496	12	4			
1950-51	7,624	14	7				On advance to subscribers	230	5	0	10,727	1	4
1951-52	6,287	9	2										
1952-53	8,411	14	5										
1953-54	10,227	11	10								33,051	7	6
				32,552	2	0							
				33,051	7	6							

BALANCE SHEET AS ON 31ST MARCH 1954

BALANCE SHEET AS ON 31st MARCH 1954

<i>Liabilities</i>				<i>Assets.</i>							
<i>Lapse & Forfeiture Account—</i>				<i>Cash and Bank Balance—</i>							
As per last account	Rs.	as.	p.	Rs.	as.	p.	Rs.	as.	p.		
Add amount forfeited during the year	6,520	13	2				Nil.				
	225	5	0	6,746	2	2					
				<i>Imperial Bank of India, Ranchi</i>				14,088	1	0	
<i>Subscriber's Account:</i>				<i>Investments —</i>							
<i>(a) Contributory</i>				<i>Post Office 12-Year National Savings Certificates</i>					2,51,600	0	0
(i) Subscription Account				<i>Interest accrued not payable</i>					17,970	13	4
As per last account	1,02,721	12	6½	<i>Investment Fluctuation a/c.</i>					Nil.		
Add subscription during the year	14,618	13	0	<i>Advance to subscribers</i>					6,696	15	0
Deduct amount paid to the outgoing subscribers	14,993	11	0								
	<hr/>										
				1,02,346	14	6½					
(ii) Contribution Account.											
As per last account	1,05,944	7	6½	<i>Income on Non-contributory Subscriber's account</i>						0	6
Add contribution during the year	14,445	2	0								
	<hr/>										
	1,20,389	9	6½								

<i>Deduct</i> : (i) Amount paid to the outgoing subscriber—Rs. 14,674-5-0	14,822	11	0	1,05,566	14	6½
(ii) Amount transferred to loss and forfeiture a/c.—Rs. 148-6-0						
(iii) Interest on subscription account As per last account . . .	18,145	4	11½			
<i>Add</i> amount credited during the year . . .	Nil.					
	18,145	4	11½			
<i>Deduct</i> amount paid to outgoing subscribers	942	7	6	17,202	13	5½
(iv) Interest on contribution account As per last account . . .	18,708	14	7½			
<i>Add</i> amount credited during the year . . .	Nil.					
	18,708	14	7½			
<i>Deduct</i> amount paid to outgoing subscribers	942	7	6	17,766	7	1½
(b) <i>Non-contributory</i> : As per last account . . .	8,732	2	0			
<i>Add</i> subscription during the year . . .	2,007	0	0			
	10,739	2	0			
<i>Deduct</i> amount paid to the outgoing subscribers . . .	2,515	10	0	8,223	8	0
<i>Revenue Account</i> . . .				2,51,106	9	8
<i>Suspense Account</i> . . .				32,552	2	0
				Nil.		
				2,90,404	13	10
						2,90,404 13 10

Checked and found correct subject to the remarks in the audit report appended.

(Sd) G. K. GUPTA Head Assistant. 30-11-54.	(Sd) PRITAM SINGH Secretary, Indian Lac Cess Committee.	(Sd) M. SAHAI, Junior Auditor. 30-11-54.	(Sd) A. K. BANERJEE, Senior Auditor. 30-11-54.	(Sd) S. N. PRASAD, Assistant Accounts Officer (Bihar). 18-1-55.
--	---	--	--	---

Outside Audit Deptt. (N-Comm.)

[No. F. 3-53/55-Com-I.]
S. PARAMESHWARAN, Dy. Secy.

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs)

New Delhi, the 10th August 1955

S.R.O. 1796.—In exercise of the powers conferred by section 7 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

In the said Rules:—

(1) For sub-rules (1), (2) and (3) of rule 2, the following sub-rules shall be substituted namely:—

“(1) All inland letters, inland letter cards and post cards, whether registered or unregistered shall be transmitted by air as a normal means of transmission, wherever such transmission is available and advantageous. No air mail fee shall be chargeable therefor. Provided that the following air mail fee shall be chargeable on postal articles other than those specified above in this sub-rule if posted for transmission by air; namely—

For packets— $\frac{1}{2}$ anna per tola or part thereof. Provided further that all postal articles to and from Tripura State shall be transmitted by air without any air surcharge between Agartala and Calcutta or between Agartala and any airport in Assam.

“(2) The prepayment of full air mail fee on air parcels and of at least 75 per cent. of the total charges payable on all other surcharged articles is obligatory.”

“Provided that (i) in respect of inland registered newspapers posted at any Post Office in India but requiring air transmission only;

(a) between Calcutta and any station in Assam; or

(b) between Amritsar and Srinagar (Kashmir); or

(c) between Amritsar and Jammu Tawi;

a special surcharge shall be levied at the rate of 3 pies for every $2\frac{1}{2}$ tolas or part thereof.”

(ii) in respect of inland book packets, registered newspapers, posted at any Post Office but requiring air transmission only between Patna and Kathmandu, a special surcharge shall be levied at the rate of 3 pies for every 5 tolas or part thereof.

(2) For the proviso to rule 2-A, the following provisos shall be substituted, namely:—

(i) Provided that for parcels requiring air transmission only between Calcutta and any station in Assam, the following surcharge shall be levied in addition to the ordinary postage:—

For every 40 tolas or fraction thereof.	...	4 $\frac{1}{2}$ annas.
---	-----	------------------------

(ii) Provided further that for parcels requiring air transmission only between Amritsar and Srinagar (Kashmir) or Amritsar and Jammu Tawi, the following surcharge shall be levied in addition to the ordinary postage:—

For every 40 tolas or fraction thereof	...	3 annas.
--	-----	----------

(iii) Provided also that for parcels requiring air transmission only between Patna and Kathmandu, the following surcharge shall be levied in addition to the ordinary postage:—

For every 40 tolas or fraction thereof.	...	2 annas.
---	-----	----------

[No. DA.22-8/53.]

V. M. BHIDE, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 9th August 1955

S.R.O. 1797.—In exercise of powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946), read with sub-rule (2) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby reappoints Shri Shanmugham, Member of the Andhra Legislative Assembly, as member of the Mica Mines Labour Welfare Fund Advisory Committee for the State of Andhra, constituted in the notification of the Government of India in Ministry of Labour, No. S.R.O. 3233, dated the 12th October, 1954, and directs that the following amendment shall be made in the said notification namely:—

After entry No. 1 the following entry shall be inserted and remaining entries shall be renumbered accordingly.

“(1) Shri K. Shanmugham, Member of the Andhra Legislative Assembly”.

[No. M.M.L.W.F/4-Andhra M-23(1)55.]

S.R.O. 1798.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946), read with sub-rule (4) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby publishes in the Gazette of India the name of Shri A. K. Mustafy, I.A.S., Deputy Commissioner, Ajmer, who has been appointed as member and chairman of the Advisory Committee for the State of Ajmer with effect from the 4th July, 1955, and directs that the following amendment shall be deemed to have been made with effect from that date in the notification of the Government of India in the Ministry of Labour No. S.R.O. 936 dated the 21st April, 1955, namely:—

In the said notification:—

For entry (1) the following shall be substituted, namely:

“(1) Shri A. K. Mustafy, I.A.S.,
Deputy Commissioner, Ajmer”.

[No. MMLWF/4-Ajmer 23(3)55.]

S.R.O. 1799.—In pursuance of section 8 of the Minimum Wages Act 1948 (XI of 1948), and rule 3 of the Minimum Wages (Central Advisory Board) Rules, 1949, made under section 29 of the said Act, the Central Government hereby reconstitutes the Central Advisory Board, consisting of the following members, namely:—

Independent Members

(1) Shri Vishnu Sahay, I.C.S., Secretary to the Government of India, Ministry of Labour—who is hereby appointed the Chairman of the Board;

(2) Dr. S.R. Sen, Economic and Statistical Adviser, Ex-officio Deputy Secretary to the Government of India Ministry of Food and Agriculture—who is hereby appointed vice-chairman of the Board.

(3) Shri S. P. Saksena, Deputy Secretary to the Government of India, Ministry of Works, Housing and Supply.

(4) Shri B. P. Singh, I.A.S., Secretary to the Government of Bihar, Labour Department, Patna.

(5) Shri R. F. Boga, I.A.S., Labour Commissioner, Bombay.

(6) Dr. S. S. Kulkarni, Deputy Minister for Labour, Government of Madhya Pradesh, Nagpur.

(7) Shri C. G. Reddi, I.A.S., Joint Secretary to the Government of Madras, Department of Industries, Labour and Co-operation, Madras.

(8) Shri J. N. Misra, I.A.S., Secretary to the Government of Orissa, Labour Department, Bhubaneswar.

(9) Shri O. N. Misra, I.A.S., Labour Commissioner, Uttar Pradesh, Kanpur.

(10) Shri R. N. Bose, I.A.S., Labour Commissioner, West Bengal, Calcutta.

(11) Shri Humayun Yar Khan, I.A.S., Labour Commissioner, Hyderabad—Deccan.

(12) Shri S. S. Joshi, Labour Commissioner, Madhya Bharat, Gwalior.

(13) Shri Mohamed Rahmathulla, Commissioner of Labour, Mysore.

- (14) Sardar Paramjit Singh, Labour Commissioner, PEPSU, Patiala.
- (15) Shri D. K. Badheka, Labour Commissioner, Saurashtra, Rajkot.
- (16) Shri Mamnoon Hasan Khan, Director of Labour, Bhopal.
- (17) Dr. B. R. Seth, Director of Industries and Labour, Delhi.

Employer's representatives

- (1) Shri H. C. Kothari, Oriental Buildings, Armenian Street, Madras—1.
- (2) Shri B. C. Ghose, M/s J. C. Ghose & Sons, Jalpaiguri.
- (3) Shri Vallabhadas V. Mariwala, M/s Bombay Oil Industries Ltd., Mazagaon, Bombay.
- (4) Shri A. L. Cooke, M.B.E., British India Corporation Ltd., Cooper Allen Branch, Kanpur.
- (5) Shri Kishorilal Dhandhanian, M/s Hind Mica Ltd., 135, Canning Street, Calcutta.
- (7) Shri J. L. Llewellyn, O.B.E., Deputy Chairman, Indian Tea Association, Struction House, Ballar Estate, Bombay.
- (7) Shri J. L. Llewellyn, O.B.E., Deputy Chairman, Indian Tea Association, Royal Exchange, Netaji Subhas Road, Calcutta.
- (8) Shri K. M. Sankalia, Secretary, Mckenzie's Ltd., Sewree—15, Bombay.
- (9) Shri P. Graham, Resident Director, Imperial Tobacco Company of India Ltd., Regal Building, Connaught Circus, New Delhi.
- (10) Shri M. M. Verghese, C/o Messrs A. V. Thomas and Company Ltd., Allepey—South India.
- (11) Shri G. M. Das, Secretary, Cawnpore Tannery Ltd., Kanpur.
- (12) Shri R. G. Agarwala, M/s Chrestien Mica Industries, 4 Lyons Range, Calcutta.
- (13) Shri H. P. Merchant, Vice-Chairman, All India Manufacturers' Organisation, "Woodlands", Peddar Road, Bombay—26.
- (14) Shri Jej Narain Khaitan, Raymond Woollen Mills, Thana.
- (15) Shri Sanwalram More, Indian Woollen Mills Ltd., 15-A, Elphinstone Circle, Fort Bombay.
- (16) Shri Gulabchand Hirachand, Construction House, Bellard Estate, Bombay.
- (17) Shri N. J. Deshmukh, President, Co-operative Central Bank and Land Holder, Amravati.

Employees' representatives

- (1) Shri Devan Sen, M.L.C., General Secretary, I.N.T.U.C., Bengal Branch, 35/B, Wellington Street, Calcutta—13.
- (2) Shri R. L. Malviya, M.P., President, I.N.T.U.C., Madhya Pradesh Branch, Manendragarh (District Surguja).
- (3) Shri K. P. Tripathi, M.P., General Secretary, I.N.T.U.C., 17, Queensway, New Delhi.
- (4) Shri M. T. Shukla, Textile Labour Association, Gandhi Majoor Servalaya, Bandra, Ahmedabad.
- (5) Shri Ram Singhbhai Varma, M.L.A., President I.N.T.U.C., Madhya Bharat Branch, Shram Sivar, Indore.
- (6) Shri Ramesh Chandra Vyas, President, I.N.T.U.C., Rajasthan Branch, Gandhi Majoor Sevalaya, Bhilwara, Rajasthan.
- (7) Shrimati Seeta Devi, M.L.A., Junior Vice-President, I.N.T.U.C., Punjab Branch, Pucca Bagh, Jullundur.
- (8) Shri S. P. Awasthi, Khalasi Lane, Kanpur.
- (9) Shri S. G. Athavale, General Secretary, I.N.T.U.C., Maharashtra Branch, 12 Railway Road, Sholapur.
- (10) Shri P. D. Mello, General Secretary, Transport and Dock Workers' Union, Nagindas Chambers, 2nd Floor, Frere Road, Bombay—1.
- (11) Shri Brijkishore Shastri, General Secretary, Hind Chini Mazdoor Federation, Pandariba, Lucknow.
- (12) Shri P. Balchandra Menon, Secretary, All India Trade Union Congress, Pawha Mansion, 1st Floor, Asafali Road, New Delhi.

(13) Shri Indrajit Gupta, General Secretary, Bengal Chatkal Mazdoor Union, 15 Dever Road, Flat No. 3, Calcutta—19.

(14) Shri Jatin Chakravarty, Secretary, United Trade Union Congress, 92/IB, Jatin Das Road, Calcutta—29.

(15) Shri Biswanath Dubey, President, All India Port & Dock Workers' Federation, 64, Chittaranjan Avenue, Calcutta—12.

(16) Shri T. N. Singh, M.P., 6, Ferozshah Road, New Delhi.

(17) Shri T. Mariappa, 23, Krumbiegal Road, Bangalore—2.

[No. LWI-69(13)54.]

P. D. COMMAR, Under Secy.

New Delhi, the 10th August 1955

S.R.O. 1800.—Whereas the Central Government is satisfied that the employees in the workshop attached to the Engineering Division of the Indian Agricultural Research Institute, New Delhi, under the Ministry of Food and Agriculture, are in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (XXXIV of 1948):

Now, therefore, in exercise of the power conferred by section 90 of the said Act, the Central Government hereby exempts the said workshop from all the provisions of the said Act for a period of one year in the first instance.

[No. SS.138(21)Part I.]

K. N. NAMBIAR, Under Secy.

New Delhi, the 13th August 1955

S.R.O. 1801.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the dispute between the Punjab National Bank Limited and its workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 10 OF 1955

PRESENT

Shri P. S. Bindra, B.A., LL.B., *Chairman.*

PARTIES

Punjab National Bank Limited

and

Its workmen, over the termination of the services of Shri R. C. Thukral

APPEARANCES

Shri Om Parkash Gupta, Staff Manager—*For the Bank.*

Shri K. P. Shankara, President, Indian National Trade Union Congress, Delhi Branch, and

Shri R. C. Thukral in person—*For the workmen.*

AWARD

By Government of India, Ministry of Labour, Order No. S.R.O. No. 1211, dated 26th May 1955, the dispute between the Punjab National Bank Limited and its workmen over the termination of the services of Shri R. C. Thukral, has been referred to this Tribunal for adjudication.

Usual notices were issued to the parties who filed their respective written statements. Shri R. C. Thukral joined the service of the Punjab National Bank Limited as an Accountant on 15th May 1942. In March 1943 he was promoted to the post of a Manager and was posted at Mussoorie where he worked till

December 1944 when he was transferred to Aligarh as a Manager and then in August 1945 he was transferred to Meerut as a Manager.

He was served with an order of transfer to Delhi and when after handing over the charge at Meerut he reported at Delhi, he was served with the order dated 10th December 1947 marked Exhibit 5 intimating him that he was transferred to Lahore and he had to join there as an Accountant instead of a Manager. No reason was assigned in this order as to why he was degraded in rank (not in pay) and why he was ordered to proceed to Lahore in December 1947 when the lives of Hindus were quite unsafe, on account of the wholesale massacre of Hindus at the time of partition of India. On receipt of the order Exhibit 5, Shri R. C. Thukral wrote the letter Exhibit 6 to the District Manager, Lahore Circle, located at Delhi requesting that 10 days casual leave may be granted to him for making suitable arrangements for his family and luggage. By order Exhibit 7, dated 12th December 1947 the application for casual leave was rejected without assigning any reason. Thereupon Shri Thukral presented the application, dated 15th December 1947 marked Exhibit 8 in which he asked for leave on medical grounds and attached a certificate of the Civil Surgeon recommending leave on the ground that he was suffering from "hyperpiesis with its sequalee". As the application was supported by the certificate of the Civil Surgeon, leave was granted. On 10th May 1948 Shri R. C. Thukral presented the application marked Exhibit 9 to the District Manager, Lahore Circle, located at Delhi in which he stated that he was feeling better but still his health was not in such a condition as to enable him to proceed to Lahore. He stated that he was suffering from high blood pressure, and that the doctor advised him not to undergo any worry. He also pointed out that if he was sent to Pakistan it would not be possible for him to take his family with him owing to the unsettled conditions prevailing at Lahore and in the absence of his family it will be difficult for him to get the necessary diet, care and attention. He also pointed out that he had no place in India where he could keep his family. So he stated that in the said circumstances the management would kindly appreciate that in the interest of his health it would not be possible for him to go to Pakistan or to a far off place where he could not take his family. Lastly he prayed that his order of transfer may be reviewed and that he may be posted to a nearer station in India. In reply to this application Shri Thukral received the letter Exhibit 10, dated 14th May 1948 sent by the District Manager of Pakistan District intimating him that as he had failed to comply with the order, his services had been terminated with effect from 11th May 1948 forenoon and that he would be paid one month's salary in lieu of notice. Thus the services of Shri Thukral were terminated on the ostensible ground that he had disobeyed the orders of the bank in refusing to go to Lahore in December 1947. Shri Thukral was neither charge-sheeted nor given any chance to explain his conduct. The management contended that it was not necessary as it was not a case of dismissal on account of misconduct but a case of termination of service. Even in the case of a termination of service, the *bona fides* of the management have to be looked into. The leading case on the subject is *Buckingham & Carnatic Mills Ltd., versus their workers* reported as 1952-L.A.C.—490. In paras 8 and 9 it has been observed as follows:—

"In the case before us, the Standing Order provides for three types of cases in which the services of an employee can be terminated, namely, (1) automatic termination for absence without leave for a stated period, or for over-staying leave without satisfactory explanation; (2) discharge on notice or in lieu thereof payment of wages for a certain period without assigning any reason and (3) dismissal for misconduct. In cases where the ground alleged by the employer is misconduct, rules of procedure to be followed before the order of dismissal is passed are also laid down, in the Standing Order. In our opinion, these three types have to be considered separately. In all these types, the requirement of *bona fides* is essential. The termination of service in colourable exercise of the power as a result of victimisation or unfair labour practice or of caprice, should be prevented as otherwise some of the fundamental rights and principles which we have noticed above would be violated. Arbitrary conduct or unnecessary harshness on the part of the employer judged by the normal standard of a reasonable man may be cogent evidence of victimisation or unfair labour practice.

"In the first type of cases our view is that an Industrial Tribunal would be at liberty to examine the explanation offered by the employee for his absence and other circumstances also for the purposes of seeing whether the employer acted with an honest purpose. In the

second type of cases, even when the Standing Order authorises discharge on notice without assignment of reason, the scope of the enquiry would be similar. If the termination of service in these two types of cases be held to be unjustified, no further question would arise though in exceptional cases of the second type, there may be scope for giving compensation. On examining the cases with this approach, if the Tribunal finds the termination to be justified, the question of relief—reinstatement and/or payment of compensation will arise and in dealing with that question the considerations arising in case of wrongful dismissal would be applicable.”

In para. 11 it is remarked as follows:—

“The power of the Management to direct its internal administration, which includes the enforcement of discipline of the personnel, cannot be denied; but with the emergence of modern concepts of social justice that an employee should be protected against vindictive or capricious action on the part of the Management which may affect the security of his service, this power has to be subjected to certain restrictions, but at the same time undue interference by a Tribunal with administration and Management should not be encouraged. It would thus be open to the Tribunal to examine the findings of the Management on the charge of misconduct to assure itself that there is evidence to support the finding and that the decision of the Management is a possible view on the evidence before it. In such a case the Tribunal should refrain from substituting its own judgment for the judgment of the Management, as in such matters the Tribunal does not act like a Court of Appeal but rather as a supervisory body, exercising what would ordinarily be regarded as powers of revision for correction of basis errors which go to the root the matter and of perverse findings. Consequently, any vindictive or capricious action on the part of the Management or the fact that the trouble had been provoked by the action of the Management, may be relevant factors for consideration in determining whether interference with the decision of the Management is called for. The result therefore, is that the decision of the Management in relation to the charges against the employee will not prevail—if

- (a) there is want of *bona fides*, or
- (b) it is a case of victimisation or unfair labour practice or violation of the principles of natural justice; or
- (c) there is basic error of facts, or
- (d) there has been a perverse finding on the material's.”

In the present case I have no doubt in my mind that the management has not acted *bona fide* but with ulterior and extraneous motive. It was not a case of transfer in the ordinary course, as will be apparent from para. 4 of the written statement of the bank, in which it is stated as follows:—

“The reasons which led to his transfer were that while working as a Manager at Meerut Branch, Shri Thukral was responsible for a good many irregularities. He had made heavy unauthorised advances to several parties and some of which are described in the statement enclosed and marked as annexure “D”. It was therefore decided to replace him by Shri Chuni Lal Anand, an experienced hand who was formerly Manager of Lyallpur Branch. He was thereafter asked to proceed to Lahore as an Accountant as per letter No. 32313, dated 10th December 1947”.

Annexure ‘D’ (Exhibit 14) is the list of the alleged unauthorised advances made by Shri Thukral while he was acting as Manager of the Meerut Branch. Instead of adopting the straight course of charge-sheeting him for making the alleged unauthorised advances, the bank adopted under-hand means to do away with him. At first he was transferred to the Head Office at Delhi and as soon as he joined at Delhi he was ordered to proceed to Lahore (Pakistan) and that in the capacity of an Accountant. The management knew very well that under the circumstances prevailing at Lahore in December 1947 it would not be safe for him to go there, and he was likely to refuse. The management however relies upon the agreement, dated 26th December 1942 marked Exhibit 13, wherein it has been provided in para. 6 that the Bank will have the right to transfer him to any branch of the Bank. It does not mean that the Bank could transfer him to East Africa or any enemy country or to a place where riots were going on

and neither life nor property was safe. A transfer to Lahore in 1947 was not a normal transfer in due course. It was an order to proceed to a slaughter house. Everybody knows what were the conditions in those days and how people had to flee for their life leaving their kith and kin what to say of their hearth and homes. It is also in evidence that Shri Thukral was not keeping good health when he was ordered to be transferred. The management has admitted in the written statement that it was not a transfer in due course, but that he was relieved of the post of the manager and was transferred to Lahore because he had made unauthorised advances to several parties while working as a manager at Meerut. The order of transfer was a subterfuge and not *bona fide*. The termination of services was a colourable exercise of the power. Moreover, the trouble had been provoked by the action of the management in transferring him to Lahore which was not justified. At any rate, as the proceedings taken against Shri Thukral were not *bona fide* the termination of service was not justifiable. It is true that ordinarily in such cases there should be reinstatement but it cannot be lost sight of that the management has lost its confidence in him owing to unauthorised advances made in Meerut, and 7 years have lapsed since the termination of his services. It cannot also be ignored that he was not keeping a good health. So, under the circumstances, I think compensation would be the proper relief and not reinstatement. I think he should be paid compensation at the rate of one month's salary for each year of completed service. He has served the bank for a period of six years, so he is entitled to six months' basic salary in lieu of compensation.

A preliminary objection has been raised on behalf of the management that Shri Thukral was an officer of the bank and not a workman as defined in the Industrial Disputes Act and therefore this Tribunal has no jurisdiction to deal with his case. A workman has been defined in Section 2(s) as follows:—

“Workman” means any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceedings under this Act in relation to an industrial dispute, a workman discharged during that dispute, but does not include any person employed in the naval, military or air service of the (Government).

Further elucidation has been done by Mr. Justice Bind Basni Prasad, Chairman of the Conciliation Board, appointed by the Governor in 1948. He opined as follows:—

“As a general principle it may be stated that it is the nature of the work done by an employee and the degree of his responsibility which determine whether he is a clerk or an officer. His designation does not matter. The salary of an employee is no determining factor, because the definition of ‘workman’ in the Industrial Disputes Act, 1947 contains no limitation based on salary, as is the case in the definition of this word in the Workmen’s Compensation Act, 1923. If an employee performs work of clerical nature with no responsibilities of an officer but the employers give him the designation of an officer, he is not deprived of the protection afforded to him by the United Provinces Industrial Disputes Act, 1947. Similarly if an employee has the responsibilities of an officer but part of his work is that of a clerical nature, he is not a clerk, but an Officer.”

The workmen have cited 1952-Vol.II-L.L.J. 420 wherein relying on the above principles laid down by Mr. Justice Bind Basni Prasad, the Labour Appellate Tribunal held that the head-cashiers, assistant managers and accountants are workmen as defined in the Industrial Disputes Act. The management has quoted para. 205 of the Labour Appellate Tribunal decision on the appeals against the Award of the All India Industrial Tribunal (Bank Disputes) which runs as follows:—

“In view of these decisions the test of ‘directional and controlling power’ must be recorded as of doubtful validity. The relevant question is not whether the employee is an officer, but whether the employee performs clerical work so as to place him in the category of ‘workman’ under the Act. The approach, therefore, should be not from the angle of testing whether the employee is an officer but from that of examining the duties to be performed by the employee and deciding whether they are in the main clerical or not. For the purposes of administration a gradation between employees is unavoidable and the duties of a clerk are not inconsistent with a limited amount of supervision and control over other employees. But in each case it will be essential to examine the facts and to

determine what is the nature of the work. The question is essentially one of facts and no general answer to cover all cases is possible."

The main point to be considered is as to whether the duties of Shri Thukral were clerical. In this connection, Shri Om Prakash on behalf of the bank drew my attention to the power of attorney executed on 18th May 1943 marked Exhibit 11, by virtue of which he could perform certain acts of responsibility so long as he held the post of a Manager, Assistant Manager, or an Accountant or a Supervisor in the service of the bank at any place in India. To this the workmen replied that the powers under the power of attorney could only be exercised within India and not in Pakistan where he was posted on his transfer from Delhi. Moreover, this power of attorney has been superseded by the letter Exhibit 12, dated 17th May 1944 addressed to Shri Thukral, wherein it was provided as follows —

"These powers supersede all previous ones that they may have been generally or specially granted to you.

These are exercisable on the following conditions which must be adhered to and complied with —

- 1 These powers are attached to your person and shall be exercisable by you only so long as you are holding the position of Manager at any of the Branches or offices of the Bank."

So this letter supersedes all the previous powers and the powers conferred by this letter could only be exercised when Thukral was working as a Manager. Shri Thukral was degraded to the post of an Accountant and was ordered to take charge at Lahore as an Accountant. He was relieved of the post of the Manager when he was required to hand over the charge at the Meerut office. As an Accountant he could not exercise these powers. We have to see his position at the time of his termination of services and his prior position cannot be considered. At the time when Shri Thukral refused to comply with the order he was treated as an Accountant posted at Lahore, which is evident from the various letters referred to above. In fact he was corresponding with the District Manager, Lahore Circle. The order of termination of service was also passed by the District Manager of Pakistan District. So at the time when his services were terminated he was not a Manager but an Accountant and the powers vested in him by Exhibit 11 or 12 could no longer be exercised by him. The management examined Shri Baldev Krishen, who stated that he was working as an accountant at Lahore from 1946 to November 1947, and that as an accountant he checked the various entries made by the clerks and supervisors. He also stated that he could pass cheques and drafts for payment upto the limit of Rs. 1,000 while the manager passed the cheques which were over a sum of Rs. 1,000, but that he had to sign those cheques as well. He had to sign those cheques to signify that the cheques were in order and there was nothing wrong with them so far as the books of the bank were concerned. He further stated that certain statements had to be submitted to the Head Office and to the Reserve Bank of India and that the clerks had to prepare those statements while he had to check them before the Manager signed them. So the Manager was the ultimate authority and the officer in charge, and this man was only a clerk however dignified he may be. His duty was to check the documents and the statements according to the books of the bank. He admitted that he had no power to take any disciplinary action but he stated that he could warn a person. He however could not give any instance where he warned anybody. His statement that he could pass cheques upto Rs. 1,000 was also challenged by the workmen and the witness admitted that there was an order in writing of the bank describing his powers and duties in detail which he had to perform as an accountant at Lahore but the Bank has kept back the document which gives rise to the presumption that he had no such powers. Through this witness the bank wanted to file two documents marked A and B to which the workmen objected, as the stage for filing of documents had passed. Even if these two documents are admitted in evidence they do not improve the case of the bank in any way whatsoever. The document marked 'A', dated 19th October 1937 is a circular letter dealing with the responsibility of the accountants in case of unauthorised or irregular advances made by the managers. It appears that the accountant passed all the responsibility on the managers, in such cases, as such advances were ultimately made under the signatures of the managers. By this circular a duty was cast on the accountants that if there was any defect in the documents they had to point it out to the manager at the time of checking. The accountants were also required to put in a note in writing pointing out to the manager that the advances required sanction of the Head Office if such was the case. So this also shows that the duties of the accountants are merely clerical. The fact that they have

to point out any defects to the manager does not make them an officer. Letter marked B, dated 19th February 1948 only shows that the accountants could keep in custody certain bills and demand drafts during day time. This does not give them any powers of an officer. It is curious that the management have been able to pick up letters of the years 1937 and 1948 but failed to produce the order detailing the duties of an accountant at Lahore in the year 1947. Under the circumstances, I am of opinion that the duties of Shri Thukral as an accountant were clerical however skilled they may be and that he was a "work-man" at the time when his services were terminated.

The result therefore is that in my opinion Shri Thukral is entitled to six months' basic salary as compensation and I pass my award accordingly
The 30th July 1955

(Sd.) P. S. BINDRA, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.

[No. LR-100(74)/54]
P. S. EASWARAN, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi-2, the 12th August 1955

S.R.O. 1802.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled "Man Without A Star" produced by the Universal International Film Inc, U S A, shall be deemed to be an uncertified film in the whole of India

[No 8/15/55-F.C.]
D KRISHNA AYYAR, Under Secy.

ORDER

New Delhi-2, the 18th August 1955

S.R.O. 1803.—In pursuance of clause 2 of the directions issued under the provisions of each of the enactments specified in the First Schedule to the Order of the Government of India in the Ministry of Information and Broadcasting No S R O 945, dated the 28th April, 1955, the Central Government with the previous approval of the Film Advisory Board, Bombay hereby certifies the films specified in column 2 of the schedule hereto annexed, in all their language versions, to be of the description specified against each in the corresponding entry of column 5 of the said schedule

SCHEDULE

S. No.	Title of the Film	Name of the Producer	Source of Supply	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5
1.	Indian News Review No. 357.	Govt. of India, Films Division, Bombay	Govt. of India, Films Division, Bombay.	Film dealing with news and current events
2.	Fund in Need	National Film Corporation for Govt of India, Films Division, Bombay	Do	Film intended for educational purposes.

[No 1/16/55-F·App/45]
D KRISHNA AYYAR, Under Secy.